

(4) Not involving a fatality,  
(5) A hearing that is expected to take less than 2 days, or

(6) A small employer whether appearing pro se or represented by counsel.

(b) Those cases with an aggregate proposed penalty of more than \$20,000, but not more than \$30,000, if otherwise appropriate, may be selected for Simplified Proceedings at the discretion of the Chief Administrative Law Judge.

[62 FR 40934, July 31, 1997, as amended at 70 FR 22792, May 3, 2005; 74 FR 63987, Dec. 7, 2009]

**§ 2200.203 Commencing Simplified Proceedings.**

(a) *Selection.* Upon receipt of a Notice of Contest, the Chief Administrative Law Judge may, at his or her discretion, assign an appropriate case for Simplified Proceedings.

(b) *Party request.* Within 20 days of the notice of docketing, any party may request that the case be assigned for Simplified Proceedings. The request must be in writing. For example, “I request Simplified Proceedings” will suffice. The request must be sent to the Executive Secretary. Copies must be sent to each of the other parties.

(c) *Judge’s ruling on request.* The Chief Administrative Law Judge or the Judge assigned to the case may grant a party’s request and assign a case for Simplified Proceedings at his or her discretion. Such request shall be acted upon within 15 days of its receipt by the Judge.

(d) *Time for filing complaint or answer under § 2200.34.* If a party has requested Simplified Proceedings or the Judge has assigned the case for Simplified Proceedings, the times for filing a complaint or answer will not run. If a request for Simplified Proceedings is denied, the period for filing a complaint or answer will begin to run upon issuance of the notice denying Simplified Proceedings.

[60 FR 41809, Aug. 14, 1995, as amended at 62 FR 61012, Nov. 14, 1997; 70 FR 22792, May 3, 2005; 74 FR 63987, Dec. 7, 2009]

**§ 2200.204 Discontinuance of Simplified Proceedings.**

(a) *Procedure.* If it becomes apparent at any time that a case is not appropriate for Simplified Proceedings, the

Judge assigned to the case may, upon motion by any party or upon the Judge’s own motion, discontinue Simplified Proceedings and order the case to continue under conventional rules. Before discontinuing Simplified Proceedings, the Judge will consult with the Chief Administrative Law Judge.

(b) *Party motion.* At any time during the proceedings any party may request that Simplified Proceedings be discontinued and that the matter continue under conventional procedures. A motion to discontinue must be in writing and explain why the case is inappropriate for Simplified Proceedings. All other parties will have 7 days from the filing of the motion to state their agreement or disagreement and their reasons. Joint motions to return a case to conventional proceedings shall be granted by the Judge and do not require a showing of good cause.

(c) *Ruling.* If Simplified Proceedings are discontinued, the Judge may issue such orders as are necessary for an orderly continuation under conventional rules.

[60 FR 41809, Aug. 14, 1995, as amended at 70 FR 22792, May 3, 2005; 74 FR 63987, Dec. 7, 2009]

**§ 2200.205 Filing of pleadings.**

(a) *Complaint and answer.* Once a case is designated for Simplified Proceedings, the complaint and answer requirements are suspended. If the Secretary has filed a complaint under § 2200.34(a), a response to a petition under § 2200.37(d)(5), or a response to an employee contest under § 2200.38(a), and if Simplified Proceedings have been ordered, no response to these documents will be required.

(b) *Motions.* A primary purpose of Simplified Proceedings is to eliminate, as much as possible, motions and similar documents. A motion will not be viewed favorably if the subject of the motion has not been first discussed among the parties.

[60 FR 41809, Aug. 14, 1995, as amended at 70 FR 22792, May 3, 2005]

**§ 2200.206 Disclosure of information.**

(a) *Disclosure to employer.* (1) Within 12 working days after a case is designated for Simplified Proceedings, the